



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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GRiffin, EXAMINER

13M1/0426

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ART UNIT	PAPER NUMBER
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1303

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DATE MAILED: 04/26/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

6-13-94

10-20-94

This application has been examined Responsive to communication filed on 1-11-95 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1 - 5 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 1 - 5 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on 6-13-94. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statements filed 6-13-94 and 10-20-94 have been considered and the initialled PTO-1449's are enclosed.
2. Japanese 63-27443 filed with the IDS filed 6-13-94 has been lined through and not considered because the IDS does not include a concise explanation of its relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information of the patent.

Drawings

3. The corrected or substitute drawings have been received on 6-13-94. These drawings are approved.

Specification

4. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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The specification is objected to under 35 U.S.C. § 112, first paragraph, as the specification, as originally filed, does not provide support for the invention as is now claimed.

Claim 5, lines 3-4, the recitation "ends of the sheet of glass are pulled away from said ring mold" is not provided for in the specification as originally filed as the specification fails to provide for the pulling of the ends of the sheet of glass.

Claim Rejections - 35 USC § 112

5. Claim 5 is rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

6. Claim 5 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, line 2, "said curved shaping surfaces" lacks antecedent basis, basis is provided for --said curved shaping surface areas--. Claim 5, line 3, "said side suction chambers" lacks antecedent basis, basis is provided for --said opposite side suction chambers--.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

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A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

8. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. § 103 as being unpatentable over Seymour in view of Kuster et al 5,352,263 (Kuster '263).

Seymour is applied as in the rejections of claims 1, 2 and 4 in Paper No. 6. Seymour fails to disclose the use of the ring mold. Kuster '263 discloses a method for bending glass plates wherein a heated glass sheet (3) is placed onto a ring mold (28) at an intermediate section (27) and then the ring mold with the glass plate is moved beneath a suction mold (7) wherein the mold attracts the glass plate by suction and bends the glass plate.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ring mold for transferring the heated glass sheet under the suction mold as in Kuster '263 in order to provide for an efficient means for moving the heated glass sheet under the bending suction mold.

Note: Applicant cannot rely upon the foreign priority papers to overcome this rejection because a certified translation of said papers has not been made of record. See M.P.E.P. § 201.15.

9. Claim 3 is rejected under 35 U.S.C. § 103 as being unpatentable over Seymour in view of Kuster '263 as applied to claims 1, 2, 4, and 5 above, and further in view of Nitschke.

Nitschke is applied as in the rejection of claim 3 in Paper No. 6.

10. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. § 103 as being unpatentable over Seymour in view of McMaster 4,609,391 (McMaster).

Seymour is applied as in the rejections of claims 1, 2 and 4 in Paper No. 6. Seymour fails to disclose the use of the ring mold. McMaster discloses a method for bending glass plates wherein a heated glass sheet (G) is placed onto a ring mold (42) and then the ring mold with the glass plate is moved beneath a suction mold (50) wherein the mold attracts the glass plate by suction and bends the glass plate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ring mold for transferring the heated glass

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sheet under the suction mold as in McMaster in order to provide for an efficient means for moving the heated glass sheet under the bending suction mold.

11. Claim 3 is rejected under 35 U.S.C. § 103 as being unpatentable over Seymour in view of McMaster as applied to claims 1, 2, 4, and 5 above, and further in view of Nitschke.

Nitschke is applied as in the rejection of claim 3 in Paper No. 6.

12. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. § 103 as being unpatentable over Seymour in view of Kuster et al 4,859,225 (Kuster '225).

Seymour is applied as in the rejections of claims 1, 2 and 4 in Paper No. 6. Seymour fails to disclose the use of the ring mold. Kuster '225 discloses a method for bending glass plates wherein a heated glass sheet (9) is placed onto a ring mold (33) and then the ring mold with the glass plate is moved beneath a suction mold wherein the mold attracts the glass plate by suction and bends the glass plate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ring mold for transferring the heated glass sheet under the suction as in Kuster '225 in order to provide for an efficient means for moving the heated glass sheet under the bending suction mold.

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13. Claim 3 is rejected under 35 U.S.C. § 103 as being unpatentable over Seymour in view of Kuster '225 as applied to claims 1, 2, 4, and 5 above, and further in view of Nitschke.

Nitschke is applied as in the rejection of claim 3 in Paper No. 6.

Response to Amendment

14. Applicant's arguments filed 1-11-95 have been fully considered but they are not deemed to be persuasive. It is argued that the shaping surfaces of Seymour do not come close to the sheet of glass. It is considered that the use of terminology "close" is a very subjective term and as such without any further definition of the meaning of the term "close" to distinguish the method of Seymour from the instant invention it is considered that the surfaces of Seymour are close to the glass sheet. It is argued that the vacuum of Seymour does not attract the glass against the shaping surface of Seymour and the vacuum does not attract the glass against the end shaping areas of Seymour. It is considered that the vacuum of Seymour is for holding or assisting in holding the glass against the shaping surface of Seymour and as such it is considered that the vacuum of Seymour is attracting the glass.

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Conclusion

15. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Griffin whose telephone number is (703) 308-1164. The examiner can normally be reached on Monday-Thursday from 6:30 AM-4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (703) 308-1152. The fax phone number for this Group is (703) 305-3601.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number (703) 308-0651.



W. GARY JONES

SUPERVISORY PATENT EXAMINER
GROUP 1300



SPG S. Griffin
April 19, 1995